

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

September 9, 2003

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 395**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Revisions to Rules 1.11, 1.27, 6.6, 6.7, 6.8, 6.10 and 6.16.3 and new Rule 6.8.1

Issue Date: September 9, 2003

Attached are revisions to Rules 1.11, 1.27, 6.6, 6.7, 6.8, 6.10 and 6.16.3 and new Rule 6.8.1. The effective date for these changes is September 9, 2003.

If you have any questions, please call Lisa Lusk or Marianne Pisanie at 225-342-8083.

Please make the following changes in your Civil Service Rules:

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Sincerely,

s/Allen H. Reynolds
Director

20.3

- 1.9.01 'Commuting Area' means that geographic area in which employees are subject to competition for a layoff. It shall encompass either: 1) the parish of the abolished position(s), or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).
- 1.9.02 'Compensation' means any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.
- 1.9.1 'Continuing Position' means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 'Continuous State Service' means continuous employment by a permanent or probationary classified employee. Such service includes any authorized leave of absence; a separation by layoff of not more than one year when reemployment is from a department preferred reemployment list; separation without a break in service of one or more working days; or separation for active military service in the armed forces of the United States where reemployment is in accordance with the provisions of Civil Service Rule 8.19.
- 1.11 'Demotion' means a change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower maximum. ***
- 1.12 'Department' means any legally constituted agency, board or commission whose employees are in the 'State Service' as defined by the Article.
- 1.13 'Department Preferred Reemployment List' means a list of permanent employees who have been laid off or demoted in lieu of layoff. Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 'Designated Holiday' means a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee's regular day off.
- 1.13.1 'Detail to Special Duty' means the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.
- 1.14 'Director' means the Director of the Department of Civil Service.
- 1.14.01 'Dismissal' means the separation from employment for disciplinary reasons.

20.4

- 1.14.1.1 'Dual Career Ladder' means a set of one or more non-supervisory jobs in a job series which receives higher pay than traditional non-supervisory jobs because they require performance of higher level, more complex duties and possession of advanced, specialized skills. The purpose of the dual career ladder is to provide another route of advancement for employees as an alternative to promotion to supervisory or managerial positions.
- 1.14.1 'Discrimination' means consideration of religious or political beliefs, sex, race, or any other non-merit factors.
- 1.14.2 'Efficiency Rating' means the official overall rating assigned to an employee in accordance with Chapter 10 of these rules.
- 1.15 'Eligible' means any person who, after receiving a final passing rating in a Civil Service examination, is currently on an eligible list.
- 1.15.01 'Employee' for the purpose of these rules, does not include any employee of a temporary staffing services firm on contract with the State.
- 1.15.1 'Employee Affected by a Layoff' means one who has experienced one of the consequences of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.
- 1.15.1.1 'Exempt' is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.15.2 'Furlough' means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
- 1.15.2.1 'General Increase' means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.
- 1.15.2.2 'Hiring Rate' means the beginning rate at which persons are hired into a job.
- 1.15.2.3 'Individual Pay Rate' means the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of base supplement, of service in grade, performance or some other basis for establishing variation.
- 1.15.3 Repealed, effective May 8, 1996.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
- 1.17.1 Repealed, effective January 1, 1975.

- (c) An institution with an appointing authority and supporting services such as a hospital or school.
- (d) A separate state agency or one that is housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.

- 1.22 'Original Appointment' means initial appointment of a person to a classified position by provisional, probationary or job appointment.
- 1.23 Repealed, effective June 29, 1987.
- 1.24 'Pay Plan' means a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.
- 1.24.001 'Pay Range' means the range of pay rates from minimum to maximum set for a pay grade.
- 1.24.002 'Pay Structure' means the organization of pay grades and ranges established for jobs within the classified service.
- 1.24.003 'Pay Structure Adjustment' means a change in the range minimums and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.
- 1.24.01 'Performance Appraisal Rating' means the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.
- 1.24.02 'Performance Standard' means a statement or description of observable conditions that define the levels of performance for each major task or duty area.
- 1.24.03 'Personnel Action' means a personnel transaction effecting a change to a person's employment or to a position.
- 1.24.1 'Political Activity' means an effort to support or oppose the election of a candidate for political office or to support or oppose a particular party in an election.
- 1.25 'Position' means any office and any employment in the Classified Service. 'Position' for job evaluation and pay purposes means a collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.

20.6.2

1.25.1 'Preference Employee' means an employee who is an ex- member of the armed forces and his or her dependents as defined in Rule 7.11.

1.25.2 Repealed, effective July 2, 1986.

1.26 'Probationary Appointment' means appointment of a person to serve a working test period in a position.

1.26.1 'Progress Review' means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

1.27 'Promotion' means a change of a permanent employee from a position in one job to a position in another job which is assigned to a pay grade with a higher maximum.

1.28 'Promotional List' means a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.

1.29 'Provisional Appointment' means a temporary appointment of a person to a position in the absence of an adequate eligible list, until such time as the appointed employee demonstrates the required skill level to qualify for the job.

1.30 'Public Hearing' means a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.

1.31 Repealed, effective March 15, 1966.

1.32 'Reallocation' means a change in the allocation of a position from one job to another wherein the duties of the position have undergone a change.

1.33 'Reassignment' means the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same pay range.

1.33.01 'Red Circle Rate' means an individual pay rate, excluding those that fall within the base supplement authorized for a position, that is above the maximum of a pay range for a grade; or, only under conditions as specified in Rule 6.15(d), an individual pay rate that is above the base supplement authorized for a position.

1.33.02 'Reduction in Pay' means an action taken for disciplinary reasons whereby an employee's individual pay rate is reduced but the employee remains in the same job.

6.5.1 Pay Upon Appointment From a Department Preferred Reemployment List.

Subject to Rule 6.14, the pay of a person appointed from a department preferred reemployment list may be fixed no higher than his rate of pay at the time of the layoff or displacement action, which entitled him to placement on the preferred list from which he is appointed, or at his current rate if such rate is higher based on other provisions of these Rules. In no case shall the rate of pay be higher than the range maximum for the class to which appointed, or the highest rate within the base supplement authorized for the position to which appointed.

6.6 Market Grade Adjustment

- (a) When the pay range for the grade to which a job is currently assigned is either not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Director may, in accordance with Rules 6.1 and 3.1(n), authorize the assignment of the job to a grade with a more appropriate pay range. The individual pay rate of employees occupying jobs which are affected shall be set in accordance with Rule 6.8.1. ***
- (b) Repealed, as of December 4, 1989.

6.7 Rate of Pay Upon Promotion

- (a) Subject to the provisions of subsections (e) and (f) of this rule, when an employee is promoted to a position in a higher grade, his pay shall increase by at least 7 percent.
- (b) Subject to the provisions of subsections (e) and (f) of this rule, when an employee is given a one grade promotion his pay shall increase by 7 percent. When an employee is given a two grade promotion his pay may be increased in an amount not to exceed 10 1/2 percent. When an employee is given a three or more grade promotion his pay may be increased in an amount not to exceed 14 percent. An employee shall not be paid below the minimum of the higher range.
- (c) Eligibilities gained but not received at the time of promotion may be given prospectively at any time within three years from the effective date of the promotion.
- (d) When an employee has been detailed with pay to a higher job and is promoted to that same job or a job at the same pay level or a higher pay level directly from the detail, his pay eligibility on promotion shall not be less than he received on detail. ***

20.24 (6.7 Rate of Pay Upon Promotion - continued)

- (e) Subject to the provisions of subsection (f) of this rule, when an employee is promoted from a job assigned to one pay schedule to a job with a higher range maximum in another pay schedule, his pay shall be adjusted as follows: ***
1. If the maximum of the job to which he is being promoted is less than 14% above his current maximum, his pay shall be increased by 7%. ***
 2. If the maximum of the job to which he is being promoted is at least 14% but less than 21% above his current maximum, his pay shall be increased at least by 7% but not to exceed 10.5%. ***
 3. If the maximum of the job to which he is being promoted is equal to or greater than 21% above his current maximum, his pay shall be increased by at least 7% but not to exceed 14%. ***
- (f) When an employee, whose rate of pay falls within the base supplement for his current position, promotes to a position which has no base supplement, his salary for purposes of pay calculation upon promotion shall be the range maximum of his current position for which the base supplement is authorized.

6.8 Pay Upon Reallocation ***

When the Director changes the allocation of a position from one job to another by reallocation, ***

- (a) If the job to which the position is allocated is in a higher grade in the same schedule or is in a grade with a higher maximum in another schedule, the affected employee's pay shall be set in accordance with Rule 6.7. ***
- (b) Subject to the provisions of subsection (d) of this rule, if the job to which the position is allocated is in a lower grade in the same schedule or is in a grade with a lower maximum in another schedule, the affected employee's pay will not change, but shall be subject to provisions of Rule 6.15. ***
- (c) Subject to the provisions of subsection (d) of this rule, if the job to which the position is allocated is in the same grade in the same schedule or is in a grade with the same maximum in another schedule, the employee's pay shall not change. ***
- (d) If the position is reallocated in such a way that the current base supplement rate of pay authorized for the position is lost or reduced, the affected employee's pay shall be set no higher than his current salary and at the higher of the following: ***

1. the range maximum (this is a red circle rate) of the position from which he is being reallocated, or ***
2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is being reallocated. ***

6.8.1 Pay Upon Job Correction or Grade Assignment ***

When the Director assigns a job to a different grade or changes the allocation of a position from one job to another by job correction, ***

- (a) If the job to which the position is job corrected is in a higher grade in the same pay schedule or is in a grade with a higher range maximum in another pay schedule, or if the job is assigned to a higher grade in the same pay schedule or to a grade with a higher range maximum in another schedule, the affected employee's pay shall not change. An employee shall not be paid below the minimum of the higher range. ***
- (b) Subject to the provisions of subsection (d) of this rule, if the job to which the position is job corrected is in a lower grade in the same pay schedule or is in a grade with a lower range maximum in another pay schedule, or if the job is assigned to a lower grade in the same pay schedule or to a grade with a lower range maximum in another schedule, the affected employee's pay shall not change, but shall be subject to provisions of Rule 6.15. ***
- (c) Subject to the provisions of subsection (d) of this rule, if the job to which the position is job corrected is in the same grade in the same pay schedule or is in a grade with the same range maximum in another pay schedule, or if the job is assigned to the same grade in the same pay schedule or to a grade with the same range maximum in another schedule, the affected employee's pay shall not change. ***
- (d) If the position is job corrected or if a job has a pay range change in such a way that the current base supplement rate of pay authorized for the position is lost or reduced, the affected employee's pay shall be set no higher than his current salary and at the higher of the following: ***
 1. the range maximum (this is a red circle rate) of the position from which he is being changed, or ***
 2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is to be changed. ***

6.9 Pay Upon Transfer or Reassignment.

- (a) Subject to the provisions of Subsection (f) of this Rule, when a permanent or probationary employee is transferred without promotion or demotion, his pay shall not be reduced without his permission.
- (b) When a permanent employee is transferred with promotion following certification from a promotional or probational eligible list, or following noncompetitive promotion, Rule 6.7 shall apply.
- (c) When a permanent or probationary employee is transferred with demotion, Rule 6.10 shall apply.
- (d) Subject to the provisions of Subsection (f) of this Rule, when an employee is reassigned to another position, his rate of pay shall not be reduced without his permission.
- (e) When an employee is transferred, the department releasing the employee shall be liable for payment for any holidays and/or regular days off intervening between the last day actually worked in the department releasing the employee and the first day to be worked in the department acquiring the employee.
- (f) Notwithstanding the provisions of Subsections (a) and (d) of this Rule, if an employee is transferred without promotion, demotion, or change in duty station or is reassigned from a position with an authorized base supplement to a position for which a lower or no base supplement is authorized, the affected employee's current base supplement pay shall be reduced to the range maximum or to a rate within the new position's base supplement no higher than his current salary.

6.10 Rate of Pay Upon Demotion

Subject to the provisions of Civil Service Rules 6.15 and 17.11(a) and (b) 2, when an employee is demoted for any reason under any circumstances, his pay shall be reduced as follows:

(a) If the demotion is to a job within the same schedule or to a job in another schedule with a lower maximum his pay shall be reduced by a minimum of 7% and may be set at a lower rate in the range provided that it is no less than the minimum.

(b) Repealed, effective September 9, 2003.

(c) Repealed, effective September 9, 2003.

(d) Subject to the provisions of Rule 6.29, an appointing authority may grant exceptions to this rule for voluntary demotions. Exceptions shall not be granted by the appointing authority in an arbitrary or fraudulent manner designed to increase an employee's rate of pay. An appointing authority may, as part of a formal written policy, waive a pay increase on promotion for an employee who has been demoted without a decrease in pay within a six-month period.

6.11 Rate of Pay on Detail to Special Duty.

When an employee is detailed to special duty, his pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, his pay shall be increased to the rate he could receive upon promotion to such position, provided:

(a) Any such temporary increase granted him shall not affect his eligibility for pay increases which he would have acquired in his regular position had he not been detailed.

(b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his regular position.

6.12 Compensation for Part-Time Services.

(a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.

(b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.

20.26.1 (6.12 Compensation for Part-Time Services - Continued)

- (c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.

6.12.1 Compensation for Holidays.

Employees shall be eligible for compensation on holidays observed except:

- (a) When the employee's regular work schedule averages less than 20 hours a week;
- (b) When the employee is on restricted appointment;
- (c) When the employee is on leave without pay immediately preceding and following the holiday period;
- (d) When the employee is on an intermittent work schedule.

6.13 Certification and Payment.

- (a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.
- (b) If payments to an employee are found to have been made in violation of the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director, the Director may take any corrective action he deems appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescinding of any actions and associated compensation, or restitution to the employee.

6.14 Merit Increases.

- (a) When a new employee has been continuously employed, without a break in service of one or more working days for a period of six months, he becomes eligible for and may be granted a merit increase provided that the appointing authority has determined his performance merits such an award.
- (b) At the end of each subsequent 12 month period of such continuous employment, he may be granted an additional merit increase if the appointing authority has determined that his performance merits such an award. This date of eligibility shall be known as an anniversary date and shall not change through such continuous employment within the classified service.
- (c) The amount of each merit increase shall be 4 percent of the employee's individual pay rate.

- (d) The appointing authority may, at any time within 3 years from the date an employee gained eligibility, grant an employee all or any one of the merit increases for which he has attained eligibility provided the employee has not received an official overall "Poor" or "Needs Improvement" Performance Planning and Review rating for the applicable year(s). A part-time employee shall receive the same credit he would receive if he were employed on a full-time basis.
- (e) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job, or the highest rate within the base supplement authorized for the position occupied.
- (f) An employee's eligibility for the increases authorized in Subsection (a) and (b) shall not be interrupted by time served in the military service if he is reemployed under the provisions of Rule 8.19.
- (g) A former employee who is reemployed following a break in service of one or more working days, except those appointed from a department preferred reemployment list and except those who are restored to duty, under the provisions of Rule 8.19, upon return from military service, shall be considered a "new" employee within the meaning of this rule.
- (h) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.
- (i) An employee who has a current official overall Performance Planning and Review rating of "Poor" or "Needs Improvement" shall not be eligible for any increase under the provisions of this rule.
- (j) A former employee who is reemployed following certification from a department preferred reemployment list within a year of the layoff date shall retain the anniversary dates and merit increase eligibilities earned under subsections (a), (b) and (d) for which he has not been granted an increase. If reemployed from a preferred list after one year, he shall be considered a new employee with regard to the establishment of his anniversary date and merit increase eligibility.
- (k) An employee on detail to a position in a higher grade may be eligible for a merit increase in the higher job calculated on his individual pay rate in the higher job.

6.15 Red Circle Rates

Rates that fall within the range or within the base supplement authorized for a position become the employee's authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall above the maximum established for the grade become red circle rates; or, under the conditions outlined below in subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service, or demotion except as provided in part (f) of this rule. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:

- (a) When the job to which a position is allocated is assigned to a lower grade.
- (b) Except as provided in Rule 6.8(d), when a position is reallocated to a job assigned to a lower pay grade.
- (c) When an adjustment (this does not include base supplement) to the pay structure has the effect of lowering the range minimum and maximum for the grade to which a job is assigned.
- (d) When positions are declared to be in the classified service and the employee's current rate of pay falls above the maximum of the range for the grade of the job into which the position(s) are allocated, or above the range plus base supplement authorized for the position allocated. A red circle rate given as a result of an acquisition of a position under Civil Service Rule 8.27 shall be treated in the following manner:
 - 1. After two years, should the red circle rate of pay exceed the maximum rate of pay of the job to which the position is allocated by over twenty-eight percent, the red circle rate shall be reduced to a figure not more than twenty eight percent above the aforementioned maximum or to the maximum of the base supplement, whichever is higher.
 - 2. A red circle rate reduced under (d) 1 above may not be reinstated under subsection (g) below.
- (e) When the employee's pay exceeds the maximum of an approved market grade.

- (f) When an employee is subject to a demotion in a layoff, including a layoff as provided for in Rule 17.9(c), and the layoff was not absolutely required because of budgetary cuts, except that then pay upon demotion in such a layoff for an employee whose current pay rate within the base supplement exceeds the range or the range plus authorized base supplement for the position to which he is to demote shall be set no higher than his current salary and at the higher of the following:
 - 1. the range maximum (this is a red circle rate) of the position from which he is to demote, or
 - 2. within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is to demote.
- (g) An appointing authority may request authority from the Commission to reinstate red circle rates (except those specified in subsection (d) above) awarded for two years which have expired when the employee's pay continues to be lower than the previously authorized red circle rate. Any approval granted shall be prospective from the date of Commission action. Eligibility for reinstatement is lost upon separation from state service or demotion.
- (h) Red circle rates in effect on June 8, 1994, the effective date of the amendment to this rule providing for a continuing red circle rate, shall be extended in accordance with the provisions of this rule.

6.16 Special Pay Provisions.

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

- (a) Premium Pay

In order to remain competitive with the pay practices of market competitors, the Commission may authorize special pay for positions in a job where employment conditions are unusual. Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of his regularly assigned duties. Such additional pay shall not be considered as part of the employee's base pay.

- (b) Repealed, effective January 1, 2000.

(c) Individual Pay Adjustment.

When an appointing authority requests and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant special adjustments in pay for individual employees. Such adjustments shall be granted only within the pay range for the grade to which the employee's position is allocated, or at a rate within the base supplement approved for his position in accordance with the provisions of Rule 6.16(f).

(d) An appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.

(e) The special pay rates authorized by this Rule shall not be effective until after approval by the Commission at a public hearing.

(f) Rate of Pay Upon Approval of Base Supplement.

When market and employment conditions require additional pay above the range maximum in order to maintain competent and experienced staff, the Commission, upon request from the appointing authority, may authorize that employees occupying positions in selected job titles, geographic areas, organizations or other limiting factors deemed appropriate by the Commission, receive a base supplement. Any Commission-approved base supplement must also be approved by the Governor before it can become effective. Authority for such pay may be adjusted or rescinded by the Commission, with the approval of the Governor, should market and employment conditions change. When authorized, this base supplement shall be treated as a part of base pay and must be reported as such.

- (1) Upon reaching the range maximum, the salary of an employee whose position has been authorized base supplement may receive additional pay based on other provisions of these rules up to the highest rate within the base supplement and in accordance with any special provisions and conditions specified by the Commission.
- (2) An employee who occupies a position at the time its base supplement authority is rescinded or adjusted downward by the Commission shall have his salary set in accordance with the provisions and conditions specified by the Commission.
- (3) An employee who occupies a position at the time its base supplement authority is moved upward shall have his salary remain the same, unless he retains eligibility for other adjustments authorized under other provisions of the Rules and unless the salary is set in accordance with any special provisions and conditions specified by the Commission.

(g) Pay for Employees at Range Maximum

Subject to the provisions of Rule 6.29, in order to reward those employees who have achieved at least 12 years of continuous State service and have reached the maximum of their pay range or the maximum plus maximum base supplement, have continued to exhibit satisfactory performance for a period of at least three years after reaching the maximum or maximum plus maximum base supplement, and who have been at the same maximum or maximum plus maximum base supplement pay rate for a period of three years, an appointing authority may, at his own discretion, grant a lump sum payment of up to 4% of the employee's base salary. Employees may not receive such an increase more frequently than every three years. Employees who are red circled shall not be eligible for a lump sum payment. Eligibilities gained but not received at the time of initial eligibility may be given prospectively at any time within three years of the initial eligibility.

6.16.1 Rewards and Recognition.

Subject to the provisions of Rule 6.29, an appointing authority may, at his discretion, implement a program of rewards and recognition for individual employees or for employee groups for significant achievement. Such rewards may be either monetary or non-monetary. If monetary, such rewards shall not exceed a total of 9% of the employees base salary within a fiscal year. Monetary rewards shall not be a part of the employee's base pay, but rather shall be a lump sum reward. Such reward and recognition programs shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include the public posting of all reward recipients.

6.16.2 Optional Pay Adjustments

Subject to the provisions of Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to permanent employees to provide for the retention of an employee whose loss would be detrimental to the State service or to adjust pay differentials between comparable employees or to compensate employees for performing additional duties or to recruit employees into positions for which recruiting is difficult. Such increases shall not exceed 10% in a July 1 to June 30 period for an individual employee and shall not duplicate payment received pursuant to other pay rules. Such increases may be made as either a lump sum payment or a permanent addition to the employee's base salary. Such optional pay adjustments shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include a public posting of all recipients.

6.16.3 Gainsharing and Exceptional Performance

This rule establishes an incentive program designed to encourage increased efficiency and better performance in governmental operations. Subject to the provisions of Rule 6.29, and after obtaining a reward of monies from the incentive fund as established in the Louisiana Government Performance and Accountability Act, an appointing authority may implement an exceptional performance or gainsharing incentive reward program which provides for supplemental compensation to identify classified employees or classified employee groups responsible for efficiencies or exceptional performance. Where the agency is not covered by the Louisiana Government Performance and Accountability Act, the appointing authority shall obtain certification of efficiencies or exceptional performance as required by the Director of the Department of Civil Service. Employees must have been employed by the agency, program, or activity during the period when the efficiencies or the exceptional performance occurred and at the time the reward is distributed. Monetary rewards shall not be part of the classified employee's base pay, but rather shall be a lump sum reward not to exceed 20% of their annual base salary. Such reward shall not be considered in the determination of retirement benefits. Each appointing authority's supplemental compensation plan must be approved by the Civil Service Commission prior to distribution of the monies. The plans shall be posted in a manner that assures their availability to all employees. Such public posting shall identify the reward recipients and the amount received by each recipient.

6.17 Pay on Entering the Classified Service Under the Provisions of Rule 8.27.

An employee who enters the classified service under the provisions of Rule 8.27 because his position has been declared to be in the classified service shall have his pay established as follows:

- (a) If the employee's rate of pay falls within the range, or within the range plus the authorized base supplement for the position allocated, his rate of pay shall remain the same.
- (b) If the employee's current rate of pay is below the range minimum, it shall be brought to the range minimum or interim minimum if such is in effect at the time.
- (c) If the employee's current rate of pay is above the range maximum or above the range maximum plus the base supplement authorized for the position allocated, Rule 6.15 shall apply.

6.18 Definition of Overtime Hour.

An overtime hour is an hour worked by an employee at the direction of his appointing authority

- (a) On the employee's official holiday.
- (b) In excess of the regular duty hours in a regularly scheduled workday as designated under Rule 11.1(c), or 11.2(b); or

- (c) In excess of the regular duty hours in a regularly scheduled workweek as designated under 11.1(c), or 11.2(b).
- (d) In excess of forty hours worked during any regularly recurring and continuous seven-day calendar work period where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.
- (e) In excess of eighty hours worked during any regularly recurring and continuous bi-weekly calendar work period where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked.
- (f) In excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average forty hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.
- (g) A day on which a department or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provisions of Section B(5) of the LSA - R.S. 1:55.

6.19 Methods of Compensation for Overtime Hours Worked.

Compensation for overtime, if applicable, shall be one of the following:

- (a) Cash payment at the time and one-half rate (Base supplement shall be included in calculating the rate of pay at time and one-half; premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of the employee's wages under the Fair Labor Standards Act may be included in calculating the rate of pay at time and one-half.)
- (b) Cash payment at the regular rate (Base supplement shall be included in calculating the rate of pay at the regular rate; premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages under the Fair Labor Standards Act shall not be included in calculating the rate of pay at the regular rate.)
- (c) Compensatory leave earned hour for hour.
- (d) Compensatory leave earned at the time and one-half rate.

6.20 Options for Full-time EXEMPT AND NONEXEMPT Employees for Overtime Hours Actually Worked in Excess of Forty Hours per Week.

An appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 40 hours per week. ONLY OPTIONS 1 OR 2 under Rule 6.20 (a) shall be used for overtime work by employees in NONEXEMPT STATUS REGARDLESS of GS level. Refer to Rule 6.24 for fire, law enforcement, and hospital employees.

PAY RANGE

OPTIONS

- | | |
|--|--|
| (a) GS-12 and below in General Schedule
and
MS-56 and below in Medical Schedule | (1) Cash payment at time and one-half rate.
(2) Compensatory leave earned at time and one-half rate.
(3) Cash payment at regular rate.
(4) Compensatory leave earned hour for hour. |
| (b) REGARDLESS OF GS-LEVEL,
THIS PORTION OF THE RULE
DOES NOT APPLY IF EMPLOYEE
IS FLSA NONEXEMPT | |
| GS-13 and above in General Schedule
and
MS-57 and above in Medical Schedule | (1) Cash payment at regular rate.
(2) Compensatory leave earned for hour
(3) No overtime compensation. |

6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Forty Hours per Week Due to Holidays Observed or Leave Taken.

An appointing authority shall select and use one of the applicable options listed below for those overtime hours not actually worked in excess of forty hours per week due to holidays observed or leave taken.

PAY RANGE

OPTIONS

- | | |
|---|---|
| (a) GS-12 and below in General Schedule
and
MS-56 and below in Medical Schedule | (1) Cash payment at regular rate.
(2) Compensatory leave earned hour for hour. |
|---|---|

(6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Forty Hours per Week Due to Holidays Observed or Leave Taken - Continued)

- | | | |
|-----|--|--|
| (b) | GS-13 and above in General Schedule
and
MS-57 and above in Medical Schedule. | (1) Cash payment at regular rate.
(2) Compensatory leave earned
hour for hour.
(3) No overtime compensation |
|-----|--|--|

6.22 Overtime Options for Part-Time Employees.

The appointing authority shall select and use one of the applicable options for:

- (a) A regular part-time employee who works in excess of his scheduled workday or work week, but does not work in excess of forty hours in a seven-day work week:

Options:

1. Cash Payment at regular rate.
2. Compensatory leave earned hour for hour.

- (b) A regular part-time employee who works in excess of forty hours per week and is nonexempt, or GS-12 and below in the General Schedule or MS-56 and below in the Medical Schedule:

Options:

Compensation in accordance with Rule 6.20.

- (c) A regular part-time employee who works in excess of forty hours per week and is exempt and is GS-13 and above in the General Schedule or MS-57 and above in the Medical Schedule:

Options:

1. Cash payment at regular rate.
2. Compensatory leave earned hour for hour.

- (d) An intermittent employee:

Options:

1. Overtime for work in excess of forty hours per week by nonexempt employees, or those GS-12 and below in the General Schedule or MS-56 and below in the Medical Schedule, shall be compensated in accordance with Rule 6.20.
2. Overtime for work in excess of forty hours by exempt employees or those GS-13 and above in the General Schedule or MS-57 and above in the Medical Schedule, shall be compensated by cash payment at regular rate.
3. Work not in excess of forty hours per week is not considered to be overtime.

6.23 Overtime Options for Work on Holidays.

- (a) An appointing authority shall select and use, for BOTH EXEMPT AND NONEXEMPT EMPLOYEES, one of the applicable options for overtime work not in excess of forty hours per week performed on holidays.

<u>PAY RANGE</u>	<u>OPTIONS</u>
1. GS-12 and below in General Schedule and MS-56 and below in Medical Schedule	(a) Cash payment at time and one-half rate. (b) Cash payment at regular rate. (c) Compensatory time earned hour for hour.
2. GS-13 and above in General Schedule and MS-57 and above in Medical Schedule	(a) Cash payment at regular rate. (b) Compensatory time earned hour for hour. (c) No overtime compensation

- (b) Repealed, effective June 7, 1989.

- (c) Work performed in excess of forty hours per week shall receive overtime compensation in accordance with Rule 6.20, whether or not work is performed on a holiday.

6.24 Special Overtime Pay Provisions (Fair Labor Standards Act, Section 7).

An appointing authority may use any of the special overtime pay provisions permitted by the Fair Labor Standards Act; however, if an employee actually works in excess of full-time hours during the pay period, but less than the number of hours required to be treated as overtime under FLSA, Rule 6.20 only shall apply for such overtime hours.

6.25 Caps on Accumulation of Compensatory Leave.

- (a) Employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.
- (b) Once the maximum balance of compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of forty hours per week must be paid to an eligible employee in cash at the time and one-half rate.

- (c) Compensatory leave earned hour for hour may be accrued in excess of 360 hours, but not more than a total of 360 such hours shall be carried forward from one calendar year to the next. However, an appointing authority may request an exception to this subsection to maintain essential services necessary to preserve the life, health, or welfare of the public. This exception may ask that up to a total of 540 such hours be carried forward to the next calendar year. Such a request is subject to approval by the Commission.
- (d) Payment shall be made no later than January 1 of each year for compensatory leave that exceeds 360 hours and was earned hour for hour at GS-12 and below in the General Schedule and MS-56 and below in the Medical Schedule. Such payment shall be at the employee's regular rate, excluding premium pay, shift differential and non-cash compensation. If an exception has been approved in accordance with subsection (c) of this rule, any compensatory leave over that approved maximum number of hours shall be paid no later than January 1 of each year.
- (e) Payment for compensatory leave upon separation or transfer is covered in Rule 11.29.

6.26 Civil Service Review of NONEXEMPT POSITIONS GS-13 OR ABOVE in the General Schedule and MS-57 or Above in the Medical Schedule

- (a) It is the RESPONSIBILITY OF THE APPOINTING AUTHORITY TO DETERMINE WHETHER OR NOT AN EMPLOYEE OCCUPYING A POSITION GS-13 OR ABOVE IN THE GENERAL SCHEDULE OR MS-57 AND ABOVE IN THE MEDICAL SCHEDULE SHOULD BE CONSIDERED NONEXEMPT UNDER FAIR LABOR STANDARDS ACT ON AN ONGOING BASIS. Such employees must be paid in accordance with that federal law, and this should be done without requesting prior approval from the Director of Civil Service. However, within a reasonable period of time following such determination by the appointing authority, he shall provide the Director with a listing of the job titles and applicable number of positions GS-13 and above in the General Schedule or MS-57 and above in the Medical Schedule that are considered to be nonexempt.
- (b) Such listing will be reviewed by the Director in order to serve as a check to insure an understanding of the FSLA exemptions and also to compare with information provided for classification purposes.

6.27 Exceptions to the Overtime Rules.

Exceptions to the Rules on overtime compensation are as follows:

- (a) For positions in classes GS-13 or above in the General Schedule or MS-57 and above in the Medical Schedule, which are exempt under the Fair Labor Standards Act, the Commission may grant authority to use any of the options for overtime compensation when:

1. An appointing authority petitions the Commission for this authority. The Commission may, with such restrictions as it deems appropriate, permit the use of time and one-half compensation to employees who occupy positions in jobs GS-13 and above in the General Schedule and MS-57 and above in the Medical Schedule.
 2. The Civil Service Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs GS-13 and above in the General Schedule or MS-57 and above in the Medical Schedule. Such authorizations, when approved, shall be published as part of the Personnel Manual.
- (b) Unless otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions, cash payment at time and one-half rate, cash payment at the regular rate, and compensatory leave earned at time and one-half rate do not apply for employees:
1. While performing civilian duty, under the administrative supervision of one other than his appointing authority, during an officially declared national, regional, or local emergency.
 2. While on call away from his duty post.
 3. While attending or traveling to and from conventions, workshops, training courses, study groups, and related activities.
 4. While performing duties pursuant to a determination made by his appointing authority under the provisions of Rule 11.29(g).
- (c) Repealed, effective June 7, 1989.
- (d) All payable compensatory leave earned by an employee, prior to April 15, 1986, who later separated from the classified service to enter the military, shall be paid for such leave at the time and one-half rate upon his restoration to duty in accordance with Civil Service Rules 8.19, 11.26(a), or 11.26(b). This shall apply only to payable leave for which he received no payment and which he did not take prior to separation.
- (e) Special Overtime Options for Emergency Work during Official Closures.

When, due to imminent peril or immediate danger from weather conditions or natural disasters, a security risk to the public safety, or similar occurrences of an extraordinary nature, the appointing authority has declared his agency or offices thereof officially closed or the Governor has officially closed certain or all offices of the State, an appointing authority (unless otherwise for non-exempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions) shall select and use one of the applicable options for overtime compensation for work performed by those employees who are required to be on emergency duty during such closure.

- a. Cash payment at regular rate.
- b. Compensatory leave earned hour for hour.
- c. Cash payment at time and one-half rate.
- d. Compensatory leave earned at time and one-half.

6.28 Compensation for On-Call Duty/Shift Work

Subject to the provisions of Rule 6.29,

- (a) The Director may authorize compensation for on-call/shift work through policy directives which establish guidelines for compensation for employees performing these types of work. These guidelines will establish the maximum authorized amounts which may be utilized. The Commission may authorize amounts at levels higher than established by the Director.
- (b) On-call compensation is for hours worked in excess of regularly scheduled hours of duty, when the worker is available for call back to his/her duty station, work-ready, within a specified period of time, at the direction of his/her appointing authority. On-call compensation is in addition to the employee's regular pay and is not to be included in terminal leave payments allowed under other Sections of the Rules. On-call compensation shall not be granted to an employee for his/her regularly scheduled hours of duty. Further, when an employee is called back he/she shall be considered in duty status and eligible for overtime compensation.
- (c) Shift differential is an additional pay allowance for employees who work non-standard hours.

6.29 Corrective Pay Actions

- (a) The discretion granted by this Chapter to an appointing authority is subject to revocation by the Director when he determines that such discretion has been abused.
- (b) An employee's pay is subject to reduction when, after hearing before the Commission or its designee, it is determined that the employee has benefited from increased pay as a result of either a violation of these Rules, or an abuse of the discretion granted in these Rules.

6.30 In order to avoid excessive administrative costs, an appointing authority may adjust an employee's salary to the monthly range maximum or highest rate within the base supplement authorized for a position when any personnel transaction results in a salary increase which is within \$20 of that monthly range maximum or highest rate within the base supplement.